

an information against Caruso, Inc., trading at Washington, D. C., and Dominick Antonelli, secretary-treasurer of said corporation, alleging sale in the District of Columbia by said defendants in violation of the Food and Drugs Act on or about June 18, 1937, of quantities of so-called olive oil which was adulterated and misbranded.

The article was alleged to be adulterated in that an edible oil other than olive oil had been added to and mixed and packed with the article so as to reduce, lower, and injuriously affect its quality and strength; and in that such other edible oil had been substituted in part for olive oil, which the article purported to be.

Misbranding was alleged in that the article was offered for sale under the distinctive name of, and was guaranteed to be, pure olive oil; whereas it was not pure olive oil but consisted chiefly of other edible oil. Misbranding was alleged further in that the following statements and designs appearing on the label were false and misleading and were borne on the label so as to deceive and mislead the purchaser since they represented that the article was pure olive oil produced in, and imported from, a foreign country, Italy; whereas it was not as represented but consisted in part of other edible oil: "Olio di Oliva Vergine [design of olive branch and olives] Lucca * * * Prodotto Italiano Olio d'Oliva"; "This Olive Oil is Guaranteed Pure Olio d'Oliva"; "Questo Olio E Garantito di Puro Oliva Olio d'Oliva [design of olive tree]"; "Imported from Italy."

On October 7, 1938, pleas of guilty having been entered on behalf of both defendants, the court imposed fines of \$50 against the corporation and \$50 against Antonelli. All fines were suspended and personal recognizance taken, except as to \$25 of the fine against Antonelli.

M. L. WILSON, *Acting Secretary of Agriculture.*

30574. Misbranding of canned mackerel. U. S. v. Coast Fishing Co. Plea of guilty. Fine, \$50. (F. & D. No. 42670. Sample Nos. 19189-D, 20303-D, 20309-D, 20310-D, 20324-D, 20325-D.)

This product was short of the declared weight.

On March 21, 1939, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Coast Fishing Co., a corporation, Wilmington, Calif., alleging shipment by said corporation in violation of the Food and Drugs Act as amended, within the period from on or about August 29, 1938, to on or about September 16, 1938, from the State of California into the States of Washington, Florida, and Pennsylvania, of quantities of canned mackerel which was misbranded. The article was labeled in part: (Can) "King Solomon Brand Fancy Mackerel Contents 1 lb."

It was alleged to be misbranded in that the statement "Contents 1 lb." borne on the cans, was false and misleading and was borne on the said cans so as to deceive and mislead the purchaser, since the cans contained less than the amount stated. Misbranding was alleged further in that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On April 10, 1939, a plea of guilty was entered on behalf of the defendant and on April 12, 1939, the court imposed a fine of \$50.

M. L. WILSON, *Acting Secretary of Agriculture.*

30575. Adulteration and misbranding of butter. U. S. v. 54 Cubes of Butter (and 3 similar seizure actions). Decrees of condemnation. Product ordered released under bond. (F. & D. Nos. 45281, 45433, 45460, 45501. Sample Nos. 43309-D, 43788-D, 56060-D, 56145-D, 56148-D, 56154-D.)

This product contained less than 80 percent of milk fat.

On April 25, May 16 and 25, and June 6, 1939, the United States attorney for the Northern District of California, acting upon reports by the Secretary of Agriculture, filed in the district court four libels praying seizure and condemnation of 281 cubes of butter at San Francisco, Calif.; alleging that the article had been shipped in interstate commerce on or about April 11 and 24, and May 16 and 27, 1939, by Midwest Dairies, Inc., from Portales, N. Mex.; and charging adulteration and misbranding in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that a product which contained less than 80 percent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 percent of milk fat.